

9/14/09

(4)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Steven L. Ledoux
Town Manager

August 4, 2009

Acton Beacon Legal Ad Division (Barbara)

Below please find a copy of a legal advertisement to appear in the Acton Beacon on August 20 and 27, 2009.

Please send the bill to: Wetherbee Plaza, LLC
6 Proctor Street
Acton, MA 01720
978-263-2000

Please send proof copy and tear sheet to:

Town Manager's Office
472 Main Street
Acton, MA 01720
Fax # 978-264-9630

Very truly yours,

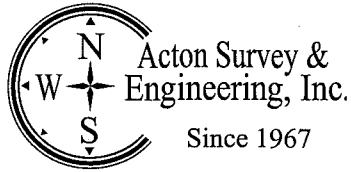
Christine Joyce
Town Manager's Office

SELECTMAN ASSIGNED: Terra Friedrichs

**LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on September 14, 2009 at 7:35 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton, on the application of Wetherbee Plaza LLC for a Site Plan Special Permit under Section 10.4 of the Zoning Bylaw for property at 107-115 Great Road, Acton, MA 01720. The application and accompanying plans can be inspected at the Town Hall during normal business hours.

ACTON BOARD OF SELECTMEN



PO Box 666, 97 Great Road, Suite 6
Acton, MA 01720
Phone: 978-263-3666 Fax: 978-635-0218
actonsurvey@actonsurvey.com

September 11, 2009

Acton Board of Selectmen
472 Great Road
Acton, MA 01720

Re: 107 – 115 Great Road
Wetherbee Plaza Extension Site Plan Special Permit
5180

Dear Board Members:

This writer met with the Town Planner and Zoning Enforcement Officer on Tuesday afternoon to discuss their reviews of the most recent Wetherbee Plaza Extension Site Plan.

During the meeting I received the IDCs from the Engineering Department and Tree Warden. The comments contained therein can be complied with by minor plan revisions or the provision of supporting information that need not necessarily be reviewed by the Board.

The discussions with the Town Planner and Zoning Enforcement Officer indicated that some refinements to some data contained on the plan will be required to further verify conformance with Zoning, but it was agreed with the exception of the property line offset to the Carriage House Driveway that Zoning requirements are met.

The purpose of this letter is to summarize the significant revisions as a result of our discussions and to present those items which are of discretion to the Board.

1. The 2003 Zoning under which it is agreed that Wetherbee Plaza Extension is governed stipulated a 10 foot minimum offset from property lines to parking areas and non-common and access driveways. The proposed driveway to 113, the Carriage House, is within 10 feet of the property line.

We propose to provide a one way connection from the car wash driveway, above the vacuum machines, to the Carriage House driveway to make the lower portion of the driveway a common driveway and negating the need for an offset.

Above the common driveway the property line between the two plazas will be revised to achieve the required 10 foot offset and calculations showing conformance to Zoning for both plazas will be submitted.

The connecting driveway will serve to allow pedestrians to cross between the two plazas and provide a more direct route to the adjacent liquor and convenience stores.

The connecting driveway will serve as an exit for persons desiring to leave the car wash queue and to meet the requirements of 6.9.3 a) for driveway connecting parking lots in the East Acton Village District.

2. We discussed narrowing the Access Driveway, the driveway between Great Road and the property line, to the required 24 feet at the property line.

This is the section of the driveway shown by correspondence between MHD and Town Staff to have been constructed by MHD.

Our client does not want to alter this portion of the driveway and the Board, as the Special Permit Granting Authority [6.7.2], may determine that a wider width is necessary.

It is unknown to this office why MHD constructed the driveway as it exists, but it is known that permission must be obtained from MHD to alter the portion of the driveway in the State Layout.

3. The substitution of landscape elements in the area of the existing spaces in front of 107 Great Road was discussed. Our client desires to retain the existing brick patio as the size of the area makes it difficult to establish vegetation and it will be subject to snow casted during winter snow removal.

Our client may place "tubs" with annuals on the patio during appropriate periods of the year and believes that retaining the area as a patio will better serve the site, provide a place for bicycles and is agreeable to installing posts to allow bikes to be secured.

4. Adjustments will be made to the layout of parking spaces in the front parking lot to achieve the 20 foot offset between the areas to be striped for handicap access and the parking spaces on the opposite side of the parking lot. This can be reviewed by Staff.
5. The possibility of elevating the pedestrian walkway above the parking lot/driveway in areas in which the installation of curbing will not interfere with the stormwater management design.

Our client believes, and we concur, that the expected use of the driveway and walkway does not necessitate the creation of a vertical offset for safety and the installation of a curb of any sort would interfere with snow removal.

Vertical offsets between traveled ways and sidewalks are absent at many locations in Acton without accidents occurring.

Pedestrians and vehicles share parking lots and the provision of a dedicated area separated by a painted line at this site presents a substantial improvement.

It remains our client's opinion that the sidewalk will be detrimental to the site and should not be required.

6. The need for vehicle access to the windmill and energy storage facility was discussed.

The Zoning Enforcement Officer noted that the driveway being subject to two way traffic was required to be 20 feet wide.

Our client reports that an energy consultant believes that the site is viable for a wind turbine mechanism utilizing the existing structure and the access for servicing the components with a motorized vertical lift is necessary.

We will modify the turning radiuses near the windmill to better accommodate truck mounted lifts and removed the designated parking space. The access route to the windmill will be labeled as a loading dock. Loading docks are typically 10 feet wide and the Zoning Bylaw does not stipulate any requirements.

It is our opinion that based on our discussions with Town Staff that the plans and documents can be revised to be acceptable once the Board has made a determination on the status of items 2 & 5 and our client will accept closure of the Public Hearing with a stipulation of satisfying the requirements of Town Staff.

Thank you for any considerations you may give to this matter.

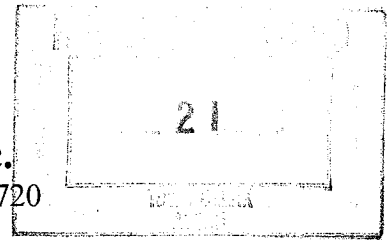
Very truly yours,
Mark T. Donohoe, PE



for:
Acton Survey & Engineering, Inc.

cc: Leo Bertolami

Acton Survey & Engineering, Inc.
P.O. Box 666, 97 Great Rd. #6 • Acton, MA • 01720
Phone: (978) 263-3666 • Fax: (978) 635-0218
Email: actonsurvey@actonsurvey.com

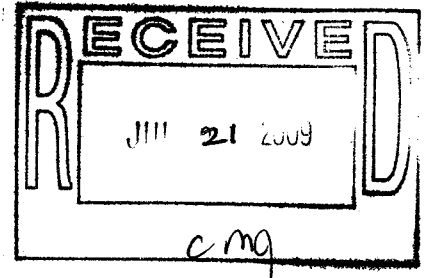


July 21, 2009

By Hand Delivery

Acton Board of Selectmen
472 Main Street
Acton, MA 01720

Re: Site Plan Special Permit
107 -115 Great Road
Wetherbee Plaza Extension
5180



Dear Board Members:

Please accept this letter as our client's request for a Site Plan Special Permit to allow the completion of the construction at 107 - 115 Great Road as necessary to allow the occupancy of the buildings.

This site has been reviewed by the Board and Town Staff earlier this year and we are omitting plans pertaining to the existing building, the subsurface sewage disposal system and the on going construction of the on site wetlands as there are no proposed changes to these portions of the project.

Stormwater management calculations are also not being submitted at this time and we will meet with Town Staff to address the calculations previously submitted once we have reviewed those calculations in light of our discussion with Staff held earlier this month.

An Approval Not Required [ANR] Plan will be filed prior to the public hearing for the proposed lot line change necessary to achieve a minimum 10.00 foot offset between the rear stairs of the building at 107 Great Road and to allow the driveway to building 113 to be contained on the property.

The previously proposed one way connection from Wetherbee Plaza to building 113 has been eliminated and a two way driveway to the front of the site has been substituted. An area to allow for turning movements for SU-30 vehicles has been added at the end of the parking lot serving building 113.

The existing parking spaces on the building 107 side of the parking lot that are presently within the front yard [setback] of that building are to be removed.

Landscaping of the environs of the buildings at 107 and 115 Great Road has been completed and the vegetation for the wetland was planted earlier this week. A plan for the landscape plantings in the vicinity of the building at 113 Great Road is enclosed.

Enclosed you will find:

- Twelve copies of the Application
- Twelve copies of the Project Narrative
- Twelve full scale copies of the Site Plans
- Seven reduced scale copies of the plans
- A Certified List of Abutters and twelve copies

Our client's check in the amount of \$ 2,500.00 submitted with the withdrawn application of July 10, 2009 is to serve as the application fee for this submittal.

We will call the Planning Department and Engineer's Office on July 27th to request an appointment to review this matter in advance of the public hearing and will make every attempt to resolve those technical issues presented to us. Any information staff may provide prior to the appointment will be greatly appreciated.

As shown on the Plans our client proposes to grant a sidewalk and construction easement along the northerly property line to the Town. The proposed sidewalk following the driveway remains on the site plan.

On behalf of our client we thank you for any consideration you may give this matter.

Very truly yours,
Mark T. Donohoe, PE



for:

Acton Survey & Engineering, Inc.

cc: Leo Bertolami
Town Clerk

WETHERBEE PLAZA EXTENSION

PROJECT NARRATIVE

Stormwater Management Calculations

The approximate 50 pages of Stormwater Management Calculations previously submitted are not being submitted with this application.

The site is nearing completion and with the exception of the entrance drive runoff does not flow from the site. Flow from the entrance drive is essentially the same prior to the Station Master's House being moved

Record Plan

An Approval Not Required Plan will be submitted to the Planning Board for endorsement prior to the public hearing. The Plan will provide a 10 foot offset between the building at 107 Great Road and the property line.

Water Balance Calculations

With the exception of the flow from the present and previously existing entrance driveway, runoff will not flow from the site and recharge of stormwater runoff will remain the same. The subsurface sewage disposal system will recharge the same volume of sanitary sewage as the previous use of the site. The loss of vegetation resulting from the creation of open water within the wetland will result in a decrease in evapotranspiration losses and increase groundwater recharge.

Irrigation of landscape areas will increase groundwater recharge.

Earth Removal Calculations

Site grading has been completed and minor amounts of processed materials required for pavement foundations and landscaping will be required to be incorporated into the site.

Traffic

The proposed use of the site will be limited and a traffic study has not been prepared and is believed not to be warranted.

Town of Acton

APPLICATION FOR SITE PLAN SPECIAL PERMIT

To The

Board Of Selectmen

Refer to the "Rules and Regulations for Site Plan Special Permits" available from the Office of the Board or the Site Plan Coordinator for details on the information and fees required for this application. Contact the Site Plan Coordinator at 264-9632 with any questions concerning the Rules. Incomplete applications may be denied.

Please type or print your application.

APPLICANT'S

Name & Address

WETHERBEE PLAZA, LLC

6 PRACOR STREET

ACTON, MA 01720

Telephone

978-263-2000

OWNER'S

Name & Address

Location and Street Address of Site

107-115 GREAT ROAD

Tax Map & Parcel Number

G-4 28 & 28-1

Area of Site 2.5 ac.

Zoning District

EAV

If any site plans have been filed previously for this site give file numbers:

11/07/03 - 393

1/23/09 - 417

Telephone

The undersigned hereby apply to the Board of Selectmen for a public hearing and a site plan special permit under Section 10.4 of the Zoning Bylaw approving the attached site plan.

The undersigned hereby certify that the information on this application and plans submitted herewith is correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with.

The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

7-20-09

LEO Bertolami, Manager

Date

Signature of Petitioner

OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.

7-20-09

LEO Bertolami, MANAGER

Date

Signature of Owner



Town of Acton
472 Main Street
Acton, MA 01720
Telephone (978) 264-9622
Fax (978) 264-9630

Brian McMullen
Assistant Assessor

Locus: 113-115 GREAT RD & 107 GREAT RD
Parcel: G4-28 & G4-28-1

Location	Parcel ID	Owner	Co-Owner	Mailing Address	City	ST	Zip
128 GREAT RD	F4-104	ATLANTIC HOLDINGS, INC.	C/O WOODSHIRE MANAGEMENT C	132 GREAT ROAD	ACTON	MA	01720
121 GREAT RD	F4-105	FEDERAL INVESTMENT TRUST NO 1		PO BOX 393	BEDFORD	MA	01730
124 GREAT RD	G4-10	MADISON GROUP LLC		4 BREEZY POINT RD	ACTON	MA	01720
120 CONCORD RD	G4-27	TOWN OF ACTON		472 MAIN STREET	ACTON	MA	01720
129 CONCORD RD	G4-49-7	TORODE NANCY		129 CONCORD RD	ACTON	MA	01720
37-105 GREAT RD	G4-50	WETHERBEE PLAZA LLC		6 PROCTOR STREET	ACTON	MA	01720
33 GREAT RD	G4-93	MORRILL EDWARD L	MORSTEIN	PO BOX 2350	ACTON	MA	01720
34 GREAT RD	G4-122	BURSAW JEFFREY W		27 MILLBROOK LANE	BOLTON	MA	01740
128 CONCORD RD	G4-211	TOWN OF ACTON		472 MAIN STREET	ACTON	MA	01720
108 GREAT RD	G4-212	TOWN OF ACTON		472 MAIN STREET	ACTON	MA	01720
10 BRAEBROOK RD	G5-1	IANDOLI BRYAN P	ADAMS DEBBY H	10 BRAEBROOK RD	ACTON	MA	01720
3 BRAEBROOK RD	G5-2	SCHNEIDER ROBERT J	BARBARA	8 BRABROOK RD	ACTON	MA	01720
33 GREAT RD REAR	G5-8	MORRILL EDWARD L ETA	C/O 87 GREATR RD PROPERTIES LLC	1560 MONUMENT ST	CONCORD	MA	01742
MBTA	C/O TRANSIT REALTY ASSOCIATES, LLC	ATTN: VANESSA MERRITT	77 FRANKLIN ST 9TH FLOOR	BOSTON	MA	02110	

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

**HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE
PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:**

Boxborough, MA 01729 Maynard, MA 01754 Concord, MA 01742 Littleton, MA 01460
Carlisle, MA 01741 Stow, MA 01775 Westford, MA 01886 Sudbury, MA 01776

Kimberly Hoyt
Assessing Clerk
Acton Assessors Office

2-Jul-09 UPDATED
1/12/2009

WETHERBEE PLAZA LLC

97-115 GREAT ROAD
ACTON MA 01720

2919

6/24/09

DATE

5-7017/2110
301

PAY Town of Acton
TO THE
ORDER OF

\$ 2,500.00

Two Thousand Five Hundred Dollars and no/100 * * * * *

DOLLARS



Security
Features
Detailed on
Back



Citizens Bank

Massachusetts

FOR

LE Ber-lalanne

MP

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